



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/217,116	12/21/98	THOMPSON	R 98-40287--US

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LMC1/1012

EXAMINER

LE,U

ART UNIT

PAPER NUMBER

2171

DATE MAILED:

10/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/217,116

Applicant(s)

Thompson et al

Examiner

Uyen Le

Group Art Unit

2171



☒ Responsive to communication(s) filed on Aug 15, 1900

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4 and 6-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4 and 6-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 21, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Answers to Amendment

1. Applicant has not submitted a red-lined version of Figure 1 as stated in the amendment filed 15 August 2000.
2. The specification is objected to because of numerous informalities stated in the previous Office Action mailed 19 May 2000. Note that applicant has not corrected discrepancies except the one on numeral 20 at page 20. Applicant is required to review all discrepancies in the specification and drawings for the whole document and make appropriate correction.
3. Applicant amendment to claim 11 is acknowledged. Consequently, rejection to claim 11 under 35 U.S.C. 112, second paragraph is withdrawn.
4. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that none of the references teaches or suggests a central site that operates to locate substitute workers for a plurality of unaffiliated organizations such as different school districts as recited in the application. In response, applicant fails to recognize the level of skill in the art. Applicant's claimed invention essentially finds substitute workers and contacts them automatically. Claim 1 as amended merely combines the feature of "unaffiliated organizations" of canceled claim 5 into original claim 1 and makes the system "automatic". Donnelly discloses a computer-implemented system for human resources management identifying human resources associated with skills and availability (see column 9, lines 35-47). AAPA shows that there exists a

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substitute teacher system to manage teacher's substitution for school systems (see pages 1-8). Srinivasan reference is cited merely to show that it is well known in the art for a central server to automatically reallocates critical resources and to periodically transmit reports to different organizations (see the abstract). One of ordinary skill in the art is presumed to know about the technology in the field apart from what is explicitly taught in the references and knows how to use common sense to apply the principles taught by the prior art alone or in combination. Although the references of record do not specifically show that the organizations are unaffiliated, it would have been obvious to one of ordinary skill in the art to implement the system taught by the prior art for unaffiliated organizations since by doing so, a single system would provide temporary services to various organizations, thus making it more economically desirable.

Applicant presents no further argument. For all the reasons discussed above, rejection to claims 1-12 is maintained using the references of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al (US 6,049,776), in view of Srinivasan (US 5,548,506), further in view of applicant's admitted prior art (AAPA) at pages 1-8.

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Regarding claim 1, Donelly discloses a computer-implemented system for human resources management (see the abstract, Figure 1). The claimed central server and central database read on element 11. The claimed plurality of local processors each associated with a different organization having a separate local database is met by element 22. Clearly, the central database maintains records in parallel with the local databases (see column 8, lines 15-23). Donelly explicitly shows that the databases identify human resources associated with skills and availability (see column 9, lines 35-47). The claimed communication link is clearly present in the system of Donelly since all records contain a field for telephone number (see columns 10-11). Furthermore, the claimed automatically identifying substitute worker and communicating information merely read on the fact that it is well known in the art to automate the process of resource allocation as shown by Srinivasan (see the abstract). Although Donelly does not specifically show that the central server periodically transmits reports to each of the different organizations, it is well known in the art as shown by Srinivasan to do so in order to communicate updated information to the local databases (see the abstract). Furthermore, AAPA shows that there exists a substitute teacher system to manage teacher's substitution for school systems (see pages 1-8). Although Donelly does not specifically show that the organizations are unaffiliated, since the system identifies workers with associated skills and availability, it would have been obvious to one of ordinary skill in the art to use the system to report absentees and to find substitute workers as shown by AAPA and to use the system for unaffiliated organizations in order

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to provide an economical and flexible centralized control over human resources for a plurality of unaffiliated organizations.

Claim 2 merely reads on the resume file 83 containing employee's data (see column 11, lines 41-49). Since the system of Donelly identifies workers with skill levels, it would have been obvious to one of ordinary skill in the art to include substitute selection information in order to match workers possessing identical skill levels to replace absentees.

Regarding claim 3, although Donelly does not explicitly show that each worker record includes entitlement information and historical information for absences and substitute fulfillment events, clearly such information has to be recorded in order to submit to the department of human resources for administrative purposes. Therefore, it would have been obvious to include the claimed features into the system of Donelly in order to pay workers, monitor cost and plan the work force.

Claim 4 merely reads on the fact that resume file 83 contains employee's data (see column 11, lines 41-49). Therefore, it would have been obvious to one of ordinary skill in the art to include data for substitute worker in order to find workers possessing identical skill levels to replace absentees.

Regarding claim 6, although Donelly does not explicitly show that the communication link includes a plurality of phone lines that may be accessed simultaneously by a plurality of organizations and workers, AAPA shows that typical existing system equipment for substitute fulfillment includes multiple phone lines (see

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page 6, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art to use multiple phone lines in the system of Donelly in order to make the system accessible to a plurality of users.

Regarding claim 7, although Donelly does not explicitly show a web site interface, it would have been obvious to one of ordinary skill in the art to include one in order to allow users to communicate over a communication network.

Regarding claim 8, Donelly shows that each employee has a fax number (see column 11, lines 18-24, 42-48). Therefore, it would have been obvious to one of ordinary skill in the art to have the central server communicate by facsimile to organizations in the system of Donelly in order to benefit from readily available communication means.

Claim 9 merely reads on the fact that the resource management system and users communicate over the telephone.

Regarding claim 10, official notice is taken that it is well known in the art to use an automated telephone attendant. Therefore, it would have been obvious to one of ordinary skill in the art to include an automated telephone attendant in the system of Donelly in order to assist callers at any time.

Regarding claim 11, since the system of Donelly manages human resources, it would have been obvious to one of ordinary skill in the art to include master records including identification, billing and contact for tracking cost.

Regarding claim 12, official notice is taken that it is well known in the art to download data and applications on the Internet. Therefore, it would have been obvious

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to one of ordinary skill in the art to include a link to a downloadable substitute fulfillment data entry and electronic communications computer application as claimed in the system of Donelly in order to allow users to download forms and access the human resources management system through the Internet.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen Le whose telephone number is (703) 305-4134. The examiner can be reached on Monday through Thursday from 7:00am to 5:30pm.

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If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703)305-9707.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703)308-9051, (for formal communications intended for entry)

or:

(703)308-5403 (for informal or draft communications, please label

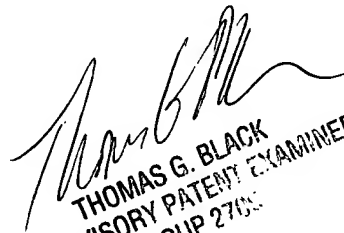
PROPOSED or DRAFT)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone is (703)305-3900.

UL

10/06/00


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2700